

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**MEKAIL THOMAS and EREAON SMITH**

**PLAINTIFFS**

**vs.**

**CIVIL ACTION NO. 2:19-CV-112-KS-MTP**

**THE CITY OF LAUREL MISSISSIPPI; THE  
LAUREL POLICE DEPARTMENT; TOMMY COX;  
MITCH SUMRALL; KEITH BLANCETT; JOSH  
FREEMAN; SKYLAR PRUNERA; BRIAN HANCOCK;  
and JOHN DOES, 1-10**

**DEFENDANTS**

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**DEFENDANTS, CITY OF LAUREL, ET, AL'S, CHALLENGE TO  
AND MOTION TO DISALLOW PLAINTIFFS'  
DESIGNATION OF EXPERT WITNESS**

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**COMES NOW** Defendants, City of Laurel, et al , by and through their attorney of record, in the above-styled matter, and files this their *Challenge to and Motion to Disallow Plaintiffs' Designation of Expert Witness*, and in support thereof states as follows:

1. Plaintiffs served their "*Designation of Expert Witness*" on August 31, 2020, on counsel of record.
2. Pursuant to Fed. R. Civ. Pro 26(a)(2) and L.U.Civ.R. 26((a)(2) and (3), Defendants, City of Laurel, et al, file their *Challenge to and Motion to Disallow Plaintiffs' Designation of Expert Witness*. Plaintiffs' proposed expert, W. Lloyd Grafton should be excluded from providing any testimony or opinions in this matter.
3. Plaintiffs' *Expert Designation* should be disallowed due to Plaintiffs' failure to comply with Fed. R. Civ. Pro. 26(a)(2)(B).
4. Plaintiffs' *Expert Designation* should be disallowed and Plaintiffs' expert should be excluded from providing testimony due to Plaintiffs' failure to provide: a written report; a complete

statement of all opinions and the basis for the opinions; the facts or date considered by each expert; and any exhibits used to summarize or support the expert opinions.

5. In addition, Plaintiffs' expert will provide proposed testimony which is either outside the expert's area of expertise and/or testimony which is a question of law which is in the province of the court and/or jury to decide.

6. In support of their *Challenge to and Motion to Exclude Plaintiffs' Expert Designation*, Defendants, City of Laurel, et al, attach hereto the following exhibit, and will file separately, their *Memorandum in Support of Challenge to and Motion to Disallow Plaintiffs' Expert Designation* which is incorporated by reference herein.

(a) **Exhibit "A"** - *Plaintiffs' Designation of Expert Witness*

**WHEREFORE, PREMISES CONSIDERED**, Defendants, City of Laurel, et al, request that this Court enter an *Order* granting their *Challenge to and Motion to Disallow Plaintiffs' Designation of Expert Witness* and excluding the expert testimony of W. Lloyd Grafton. Defendants further request the Court grant them any additional relief that it deems necessary and appropriate.

Respectfully submitted on this the 5<sup>th</sup> day of January, 2021.

**CITY OF LAUREL, et al, Defendants**

By: /s/ Brett W. Robinson  
**Brett W. Robinson**

**Brett W. Robinson, [MSB#10006]**  
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[Attorney for Defendants, City of Laurel, et al]

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**CERTIFICATE OF SERVICE**

I, Brett W. Robinson, counsel for Defendants, City of Laurel, et al, do hereby certify that I have this day filed via the Court's electronic filing system and by E-mail, a true and correct copy of the above and foregoing document to: All parties of record.

This the 5<sup>th</sup> day of January, 2021.

*/s/ Brett W. Robinson*

**Brett W. Robinson**